

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GEORGIA ARGYRIS,

ANSWER

Plaintiff,

07 CV 9623 (DC)

-against-

BOARD OF EDUCATION OF THE CITY SCHOOL
DISTRICT OF THE CITY OF NEW YORK, and JOEL
KLEIN, as Chancellor of the City School District of the
City of New York,

Defendants.

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Defendants by their attorney, Michael A. Cardozo, Corporation Counsel of the
City of New York, for their Answer to the Complaint, respectfully allege as follows:

1. Deny the allegations set forth in paragraph "1" of the complaint, except admit that plaintiff purports to proceed as set forth therein.
2. Deny the allegations set forth in paragraph "2" of the complaint.
3. Deny the allegations set forth in paragraph "3" of the complaint, except admit that plaintiff purports to proceed as set forth therein.
4. Deny the allegations set forth in paragraph "4" of the complaint and respectfully refer the Court to the statutes cited therein for a complete and accurate statement of their content.
5. Deny the allegations set forth in paragraph "5" of the complaint and respectfully refer the Court to the statutes referred to for a complete and accurate statement of their contents.
6. Deny the allegations set forth in paragraph "6" of the complaint.

7. Deny the allegations set forth in paragraph "7" of the complaint and respectfully refer the Court to the statute referred to for a complete and accurate statement of its content.

8. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "8" of the complaint.

9. Deny the allegations set forth in paragraph "9" of the complaint.

10. Deny the allegations set forth in paragraph "10" of the complaint, except admit that the New York City Department of Education ("DOE") is a municipal corporation with offices located at 52 Chambers Street, New York, NY 10007 and respectfully refer the Court to Article 52A of the New York State Education Law for a statement setting forth the function of the DOE.

11. Deny the allegations set forth in paragraph "11" of the complaint, except admit that Joel Klein is employed as the Chancellor for the New York City Department of Education and respectfully refer the Court to Education Law § 2590-h for the powers and duties of the Chancellor.

12. Deny the allegations set forth in paragraph "12" of the complaint, except admit that plaintiff was appointed as a probationary teacher on or about September 1997.

13. Admit the allegations set forth in paragraph "13" of the complaint.

14. Deny the allegations set forth in paragraph "14" of the complaint, except admit upon information and belief, that plaintiff completed her three year probationary period.

15. Deny the allegations set forth in paragraph "15" of the complaint.

16. Deny the allegations set forth in paragraph "16" of the complaint.

17. Deny the allegations set forth in paragraph "17" of the complaint, except admit, upon information and belief, that plaintiff was reassigned to the Manhattan Regional Operation Center on or about October 26, 2004.

18. Deny the allegations set forth in paragraph "18" of the complaint, except admit upon information and belief, that plaintiff returned to P.S./I.S. 50 in September 2006.

19. Deny the allegations set forth in paragraph "19" of the complaint.

20. Deny the allegations set forth in paragraph "20" of the complaint, except admit upon information and belief, that a Notice of Hearing dated February 10, 2006 was sent to plaintiff.

21. Deny the allegations set forth in paragraph "21" of the complaint, and respectfully refer the Court to the Article of the Collective Bargaining Agreement referred to for a complete and accurate statement of its contents.

22. Deny the allegations set forth in paragraph "22" of the complaint, except admit, upon information and belief, that plaintiff entered into a stipulation of settlement dated March 9, 2006, and respectfully refer the Court to the stipulation of settlement for a complete and accurate statement of its contents.

23. Deny the allegations set forth in paragraph "23" of the complaint.

24. Deny the allegations set forth in paragraph "24" of the complaint.

25. Deny the allegations set forth in paragraph "25" of the complaint.

26. Deny the allegations set forth in paragraph "26" of the complaint, except admit that plaintiff was examined by the Medical Bureau and affirmatively state that plaintiff failed to timely submit required documentation requested by the Medical Bureau.

27. Admit the allegations set forth in paragraph "27" of the complaint.

28. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "28" of the complaint.

29. Deny the allegations set forth in paragraph "29" of the complaint.

30. Deny the allegations set forth in paragraph "30" of the complaint.

31. Deny the allegations set forth in paragraph "31" of the complaint.

32. Deny the allegations set forth in paragraph "32" of the complaint.

33. Deny the allegations set forth in paragraph "33" of the complaint.

34. Deny the allegations set forth in paragraph "34" of the complaint, except deny knowledge or information sufficient to form a belief as to the truth of the allegations concerning plaintiff's efforts to find comparable employment.

35. In response to the allegations set forth in paragraph "35" of the complaint, defendants repeat and re-allege each and every response set forth above to paragraphs "1" through "34" of the complaint.

36. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "36" of the complaint and respectfully refer the Court to the statutes referred to for a complete and accurate statement of their contents.

37. Deny the allegations set forth in paragraph "37" of the complaint and respectfully refer the Court to the statute referred to for a complete and accurate statement of its content, except admit upon information and belief, that the DOE is an employer as defined by FMLA 29 USC § 2611(4).

38. Deny the allegations set forth in paragraph "38" of the complaint and respectfully refer the Court to the statute referred to for a complete and accurate statement of its content.

39. Deny the allegations set forth in paragraph "39" of the complaint and respectfully refer the Court to the statute referred to for a complete and accurate statement of its content, and affirmatively state that plaintiff is not an "eligible employee" as defined by FMLA, 29 USC § 2611(2), because plaintiff did not work at least 1,250 hours of service during the previous 12 month period. Plaintiff's hours worked the preceding 12 months of when the leave was requested is annexed hereto as Exhibit "A."

40. Deny the allegations set forth in paragraph "40" of the complaint.

41. Deny the allegations set forth in paragraph "41" of the complaint and respectfully refer the Court to the statute referred to for a complete and accurate statement if its content.

42. Deny the allegations set forth in paragraph "42" of the complaint and respectfully refer the Court to the statutes referred to for a complete and accurate statement of their contents.

43. Deny the allegations set forth in paragraph "43" of the complaint.

44. Deny the allegations set forth in paragraph "44" of the complaint.

45. In response to the allegations set forth in paragraph "45" of the complaint, defendants repeat and re-allege each and every response set forth above to paragraphs "1" through "44" of the complaint.

46. Deny the allegations set forth in paragraph "46" of the complaint.

47. In response to the allegations set forth in paragraph "47" of the complaint, defendants repeat and re-allege each and every response set forth above to paragraphs "1" through "46" of the complaint.

48. Deny the allegations set forth in paragraph "48" of the complaint.

49. Deny the allegations set forth in paragraph "49" of the complaint and respectfully refer the Court to Article I, § 6 of the New York State Constitution for a complete and accurate statement of its content.

50. Deny the allegations set forth in paragraph "50" of the complaint.

51. In response to the allegations set forth in paragraph "51" of the complaint, defendants repeat and re-allege each and every response set forth above to paragraphs "1" through "50" of the complaint.

52. Deny the allegations set forth in paragraph "52" of the complaint and affirmatively state that this paragraph contains legal arguments, rather than factual allegations, and that no response is required thereto.

53. Deny the allegations set forth in paragraph "53" of the complaint.

FOR A FIRST DEFENSE:

54. The complaint fails to state a claim upon which relief can be granted.

FOR A SECOND DEFENSE:

55. The plaintiff is not an "eligible employee" as defined by FMLA, 29 USC § 2611(2), because plaintiff did not work at least 1,250 hours of service during the previous 12 month period. See Exhibit "A" annexed hereto.

FOR A THIRD DEFENSE:

56. Defendants have not violated any rights, privileges or immunities under the Constitution or laws of the United States or the State of New York or any political subdivision thereof.

FOR A FOURTH DEFENSE:

57. The Chancellor is not plaintiff's employer within the meaning of the FMLA and, therefore, all such claims against him must be dismissed.

FOR A FIFTH DEFENSE:

58. All of plaintiff's state law claims are barred because of plaintiff's failure to file a timely notice of claim under Education Law § 3813.

FOR A SIXTH DEFENSE:

59. The individually named defendant is immune under the doctrine of qualified immunity.

FOR A SEVENTH DEFENSE:

60. Plaintiff's claim for front and/or back pay are barred by her failure to mitigate damages.

FOR AN EIGHTH DEFENSE

61. Complaint must be dismissed because plaintiff has failed to name and serve a necessary party to this action.

FOR A NINTH DEFENSE

62. All of plaintiff's state law claims are barred by the applicable statute of limitations.

WHEREFORE, defendants request judgment dismissing the complaint and denying all relief requested therein, together with such other and further relief as the Court deems just and proper.

Dated: New York, New York
January 22, 2008

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Room 2-107
New York, New York 10007
(212) 442-0144

By:

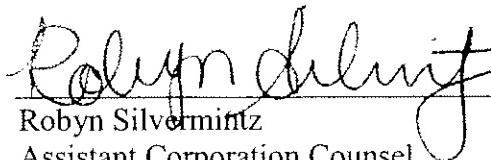

Robyn Silvermintz
Assistant Corporation Counsel
rsilverm@law.nyc.gov

EXHIBIT A

USER: DFLPTPT6 NYC PUBLIC SCHOOLS EMPLOYEE INFORMATION SYSTEM E1LM751
 01/22 17:06 TIME AND ATTENDANCE INQUIRY

EIS ID: 0719864 SSN: 377960797 NAME: GEORGIA ARGYRIS
 FROM DATE: 10 01 2005 TO DATE: 10 15 2006

EARNED DATE	EVENT CODES	EVENT DESCRIPTION	TIME RECORD			ENTERED DATE	USER ID
			DY	HRS	MIN		
10/31/05	50U00	ABSENCE UNAUTH	1	0	0	C P SG	01/30/06 EDAWSON
10/31/05	41A00	SELF TREATED	1	0	0	C P AJ	01/30/06 EDAWSON
10/28/05	50U00	ABSENCE UNAUTH	0	2	41	C P SG	01/30/06 EDAWSON
10/28/05	41A00	SELF TREATED	1	0	0	C P AJ	01/30/06 EDAWSON
10/27/05	41A00	SELF TREATED	0	1	17	C P AJ	01/30/06 EDAWSON
10/26/05	41A00	SELF TREATED	0	1	24	C P AJ	01/30/06 EDAWSON
10/25/05	41A00	SELF TREATED	1	0	0	C P AJ	01/30/06 EDAWSON
10/24/05	41A00	SELF TREATED	1	0	0	C P AJ	01/30/06 EDAWSON
10/21/05	49AAC	FRACTIONAL ABS	0	1	29	C P AJ	01/30/06 EDAWSON
10/20/05	49AAC	FRACTIONAL ABS	0	2	31	C P AJ	01/30/06 EDAWSON
10/19/05	49AAC	FRACTIONAL ABS	0	0	55	C P AJ	01/30/06 EDAWSON
10/18/05	49AAC	FRACTIONAL ABS	0	1	26	C P AJ	01/30/06 EDAWSON
10/17/05	41A00	SELF TREATED	1	0	0	C P AJ	01/30/06 EDAWSON
10/14/05	49AAC	FRACTIONAL ABS	0	1	32	C P AJ	01/30/06 EDAWSON
10/12/05	41A00	SELF TREATED	1	0	0	C P AJ	01/30/06 EDAWSON
10/11/05	41A00	SELF TREATED	1	0	0	C P AJ	01/30/06 EDAWSON
10/07/05	49AAC	FRACTIONAL ABS	0	2	38	C P AJ	01/30/06 EDAWSON
10/06/05	49AAC	FRACTIONAL ABS	0	1	19	C P AJ	01/30/06 EDAWSON
10/03/05	49AAC	FRACTIONAL ABS	0	1	10	C P AJ	01/30/06 EDAWSON

NO MORE ITEMS TO DISPLAY

USER: DFLPTPT6 NYC PUBLIC SCHOOLS EMPLOYEE INFORMATION SYSTEM E11M751
 01/22 17:06 TIME AND ATTENDANCE INQUIRY

EIS ID: 0719864 SSN: 377960797 NAME: GEORGIA ARGYRIS
 FROM DATE: 10 01 2005 TO DATE: 10 15 2006

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12/23/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSON
12/23/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSON
12/22/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSON
12/22/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSON
12/21/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSON
12/21/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSON
12/20/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSON
12/20/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSON
12/19/05	49AAC FRACTIONAL ABS	0 0 36	C P AJ	01/30/06	EDAWSON
12/16/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSON
12/16/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSON
12/15/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSON
12/15/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSON
12/14/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSON
12/14/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSON
12/13/05	49AAC FRACTIONAL ABS	0 2 10	C P AJ	01/30/06	EDAWSON
12/12/05	49AAC FRACTIONAL ABS	0 1 13	C P AJ	01/30/06	EDAWSON
12/09/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSON
12/09/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSON
12/08/05	49AAC FRACTIONAL ABS	0 1 19	C P AJ	01/30/06	EDAWSON
12/07/05	49AAC FRACTIONAL ABS	0 0 51	C P AJ	01/30/06	EDAWSON
12/06/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSON
12/06/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSON
12/05/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSON
12/05/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSON
12/02/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSON
12/02/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSON
12/01/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSON
12/01/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSON
11/30/05	49AAC FRACTIONAL ABS	0 2 5	C P AJ	01/30/06	EDAWSON
11/29/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSON
11/29/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSON
11/28/05	50U00 ABSENCE UNAUTH	0 2 6	C P SG	01/30/06	EDAWSON
11/28/05	41A00 SELF TREATED	0 2 6	C P AJ	01/30/06	EDAWSON
11/23/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSON
11/23/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSON
11/22/05	49AAC FRACTIONAL ABS	0 2 55	C P AJ	01/30/06	EDAWSON
11/21/05	49A00 LATENESS	0 0 17	C P AJ	01/30/06	EDAWSON
11/18/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSON
11/18/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSON
11/17/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSO
11/17/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSO
11/15/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSO
11/15/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSO
11/14/05	49A00 LATENESS	0 0 6	C P AJ	01/30/06	EDAWSO
11/10/05	49AAC FRACTIONAL ABS	0 1 48	C P AJ	01/30/06	EDAWSO
11/09/05	49AAC FRACTIONAL ABS	0 1 51	C P AJ	01/30/06	EDAWSO
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11/08/05	41A00 SELF TREATED	0 1 8	C P AJ	01/30/06	EDAWSO
11/07/05	49AAC FRACTIONAL ABS	0 0 53	C P AJ	01/30/06	EDAWSO
11/04/05	49AAC FRACTIONAL ABS	0 0 33	C P AJ	01/30/06	EDAWSO
11/03/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSO
11/03/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSON
11/02/05	50U00 ABSENCE UNAUTH	1 0 0	C P SG	01/30/06	EDAWSON
11/02/05	41A00 SELF TREATED	1 0 0	C P AJ	01/30/06	EDAWSON
11/01/05	49AAC FRACTIONAL ABS	0 2 15	C P AJ	01/30/06	EDAWSON

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			DY	HRS	MIN	STATUS			
01/31/06	50U00	ABSENCE UNAUTH	1	0	0	C P	SG	02/08/06	EDAWSON
01/31/06	41A00	SELF TREATED	1	0	0	C P	AJ	02/08/06	EDAWSON
01/30/06	50U00	ABSENCE UNAUTH	1	0	0	C P	SG	02/08/06	EDAWSON
01/30/06	41A00	SELF TREATED	1	0	0	C P	AJ	02/08/06	EDAWSON
01/27/06	50U00	ABSENCE UNAUTH	1	0	0	C P	SG	02/08/06	EDAWSON
01/27/06	41A00	SELF TREATED	1	0	0	C P	AJ	02/08/06	EDAWSON
01/26/06	49AAC	FRACTIONAL ABS	0	1	14	C P	AJ	02/08/06	EDAWSON
01/25/06	49AAC	FRACTIONAL ABS	0	1	10	C P	AJ	02/08/06	EDAWSON
01/24/06	50U00	ABSENCE UNAUTH	1	0	0	C P	SG	02/08/06	EDAWSON
01/24/06	41A00	SELF TREATED	1	0	0	C P	AJ	02/08/06	EDAWSON
01/23/06	50U00	ABSENCE UNAUTH	1	0	0	C P	SG	02/08/06	EDAWSON
01/23/06	41A00	SELF TREATED	1	0	0	C P	AJ	02/08/06	EDAWSON
01/20/06	50U00	ABSENCE UNAUTH	1	0	0	C P	SG	02/08/06	EDAWSON
01/20/06	41A00	SELF TREATED	1	0	0	C P	AJ	02/08/06	EDAWSON
01/19/06	50U00	ABSENCE UNAUTH	1	0	0	C P	SG	02/08/06	EDAWSON
01/19/06	41A00	SELF TREATED	1	0	0	C P	AJ	02/08/06	EDAWSON
01/18/06	50U00	ABSENCE UNAUTH	1	0	0	C P	SG	02/08/06	EDAWSON
01/18/06	41A00	SELF TREATED	1	0	0	C P	AJ	02/08/06	EDAWSON
01/17/06	50U00	ABSENCE UNAUTH	1	0	0	C P	SG	02/08/06	EDAWSON
01/17/06	41A00	SELF TREATED	1	0	0	C P	AJ	02/08/06	EDAWSON
01/13/06	49AAC	FRACTIONAL ABS	0	1	43	C P	AJ	02/08/06	EDAWSON
01/12/06	49AAC	FRACTIONAL ABS	0	1	22	C P	AJ	02/08/06	EDAWSON
01/11/06	50U00	ABSENCE UNAUTH	1	0	0	C P	SG	02/08/06	EDAWSON
01/11/06	41A00	SELF TREATED	1	0	0	C P	AJ	02/08/06	EDAWSON
01/10/06	50U00	ABSENCE UNAUTH	1	0	0	C P	SG	02/08/06	EDAWSON
01/10/06	41A00	SELF TREATED	1	0	0	C P	AJ	02/08/06	EDAWSON
01/06/06	49AAC	FRACTIONAL ABS	0	0	47	C P	AJ	02/08/06	EDAWSON
01/05/06	50U00	ABSENCE UNAUTH	1	0	0	C P	SG	02/08/06	EDAWSON
01/05/06	41A00	SELF TREATED	1	0	0	C P	AJ	02/08/06	EDAWSON
01/04/06	49AAC	FRACTIONAL ABS	0	1	12	C P	AJ	02/08/06	EDAWSON
01/03/06	49AAC	FRACTIONAL ABS	0	1	48	C P	AJ	02/08/06	EDAWSON

USER: DFLPTPT6 NYC PUBLIC SCHOOLS EMPLOYEE INFORMATION SYSTEM EI1M751
 01/22 17:06 TIME AND ATTENDANCE INQUIRY

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03/10/06	50U00	ABSENCE UNAUTH	1	0	0	C P SG	05/02/06 EDAWSON
03/10/06	41A00	SELF TREATED	1	0	0	C P AJ	05/02/06 EDAWSON
03/09/06	49AAC	FRACTIONAL ABS	0	1	15	C P AJ	05/02/06 EDAWSON
03/09/06	49AAB	FRA ABS DED/RG	1	0	0	C P SG	05/24/06 EBX7J
03/09/06	49AAB	FRA ABS DED/RG	1	0	0	C P SG	05/24/06 EBX7J
03/09/06	49AAB	FRA ABS DED/RG	1	0	0	C P SG	05/24/06 EBX7J
03/09/06	49AAB	FRA ABS DED/RG	1	0	0	C P SG	05/24/06 EBX7J
03/09/06	49AAB	FRA ABS DED/RG	1	0	0	C P SG	05/24/06 EBX7J
03/09/06	49AAB	FRA ABS DED/RG	1	0	0	C P SG	05/24/06 EBX7J
03/09/06	49AAB	FRA ABS DED/RG	1	0	0	C P SG	05/24/06 EBX7J
03/09/06	49AAB	FRA ABS DED/RG	1	0	0	C P SG	05/24/06 EBX7J
03/09/06	49AAB	FRA ABS DED/RG	1	0	0	C P SG	05/24/06 EBX7J
03/09/06	49AAB	FRA ABS DED/RG	1	0	0	C P SG	05/24/06 EBX7J
03/09/06	49AAB	FRA ABS DED/RG	1	0	0	C P SG	05/24/06 EBX7J
03/09/06	49AAB	FRA ABS DED/RG	1	0	0	C P SG	05/24/06 EBX7J
03/09/06	49AAB	FRA ABS DED/RG	1	0	0	C P SG	05/24/06 EBX7J
03/09/06	49AAB	FRA ABS DED/RG	1	0	0	C P SG	05/24/06 EBX7J
03/09/06	49AAB	FRA ABS DED/RG	1	0	0	C P SG	05/24/06 EBX7J
03/08/06	49AAC	FRACTIONAL ABS	0	1	15	C P AJ	05/02/06 EDAWSON
03/07/06	49AAC	FRACTIONAL ABS	0	1	15	C P AJ	05/02/06 EDAWSON
03/06/06	50U00	ABSENCE UNAUTH	1	0	0	C P SG	05/02/06 EDAWSON
03/06/06	41A00	SELF TREATED	1	0	0	C P AJ	05/02/06 EDAWSON
03/03/06	50U00	ABSENCE UNAUTH	1	0	0	C P SG	05/02/06 EDAWSON
03/03/06	41A00	SELF TREATED	1	0	0	C P AJ	05/02/06 EDAWSON
03/02/06	50U00	ABSENCE UNAUTH	1	0	0	C P SG	05/02/06 EDAWSON
03/02/06	41A00	SELF TREATED	1	0	0	C P AJ	05/02/06 EDAWSON
03/01/06	49AAC	FRACTIONAL ABS	0	1	15	C P AJ	05/02/06 EDAWSON
02/28/06	49AAC	FRACTIONAL ABS	0	1	43	C P AJ	03/14/06 EDAWSON
02/27/06	49AAC	FRACTIONAL ABS	0	1	2	C P AJ	03/14/06 EDAWSON
02/17/06	50U00	ABSENCE UNAUTH	1	0	0	C P SG	03/14/06 EDAWSON
02/17/06	41A00	SELF TREATED	1	0	0	C P AJ	03/14/06 EDAWSON
02/16/06	50U00	ABSENCE UNAUTH	1	0	0	C P SG	03/14/06 EDAWSON
02/16/06	41A00	SELF TREATED	1	0	0	C P AJ	03/14/06 EDAWSON
02/15/06	50U00	ABSENCE UNAUTH	1	0	0	C P SG	03/14/06 EDAWSON
02/15/06	41A00	SELF TREATED	1	0	0	C P AJ	03/14/06 EDAWSON
02/14/06	50U00	ABSENCE UNAUTH	1	0	0	C P SG	03/14/06 EDAWSON
02/14/06	41A00	SELF TREATED	1	0	0	C P AJ	03/14/06 EDAWSON
02/13/06	50U00	ABSENCE UNAUTH	1	0	0	C P SG	03/14/06 EDAWSON
02/13/06	41A00	SELF TREATED	1	0	0	C P AJ	03/14/06 EDAWSON
02/10/06	49AAC	FRACTIONAL ABS	0	1	23	C P AJ	03/14/06 EDAWSON
02/09/06	49AAC	FRACTIONAL ABS	0	1	32	C P AJ	03/14/06 EDAWSON
02/08/06	49AAC	FRACTIONAL ABS	0	1	30	C P AJ	03/14/06 EDAWSON
02/07/06	50U00	ABSENCE UNAUTH	1	0	0	C P SG	03/14/06 EDAWSON
02/07/06	41A00	SELF TREATED	1	0	0	C P AJ	03/14/06 EDAWSON
02/06/06	50U00	ABSENCE UNAUTH	1	0	0	C P SG	03/14/06 EDAWSON
02/06/06	41A00	SELF TREATED	1	0	0	C P AJ	03/14/06 EDAWSON
02/03/06	50U00	ABSENCE UNAUTH	1	0	0	C P SG	03/14/06 EDAWSON
02/03/06	41A00	SELF TREATED	1	0	0	C P AJ	03/14/06 EDAWSON
02/02/06	50U00	ABSENCE UNAUTH	1	0	0	C P SG	03/14/06 EDAWSON
02/02/06	41A00	SELF TREATED	1	0	0	C P AJ	03/14/06 EDAWSON
02/01/06	49AAC	FRACTIONAL ABS	0	0	47	C P AJ	03/14/06 EDAWSON

USER: DFLTPT6 NYC PUBLIC SCHOOLS EMPLOYEE INFORMATION SYSTEM E11M751
 01/22 17:06 TIME AND ATTENDANCE INQUIRY

EIS ID: 0719864 SSN: 377960797 NAME: GEORGIA ARGYRIS
 FROM DATE: 10 01 2005 TO DATE: 10 15 2006

EARNED DATE	EVENT CODES	EVENT DESCRIPTION	TIME			RECORD STATUS	ENTERED DATE	USER ID
			DY	HRS	MIN			
10/06/06	49A00	LATENESS	0	0	7	C P AJ	11/02/06	EDAWSON
10/05/06	49A00	LATENESS	0	0	2	C P AJ	11/02/06	EDAWSON
09/26/06	41B00	MED. CERT. SICK	1	0	0	C P AJ	10/17/06	EDAWSON
09/25/06	41B00	MED. CERT. SICK	1	0	0	C P AJ	10/17/06	EDAWSON
09/22/06	49A00	LATENESS	0	0	2	C P AJ	10/17/06	EDAWSON
09/21/06	49A00	LATENESS	0	0	15	C P OS	09/21/06	EDAWSON
09/20/06	49A00	LATENESS	0	0	2	C P OS	09/21/06	EDAWSON
09/19/06	49A00	LATENESS	0	0	5	C P OS	09/21/06	EDAWSON
09/14/06	49A00	LATENESS	0	0	5	C P AJ	09/21/06	EDAWSON
09/13/06	41A00	SELF TREATED	1	0	0	C P OS	09/18/06	EDAWSON
09/12/06	41A00	SELF TREATED	1	0	0	C P OS	09/18/06	EDAWSON
09/11/06	41A00	SELF TREATED	1	0	0	C P OS	09/11/06	EDAWSON
09/08/06	41A00	SELF TREATED	1	0	0	C P AJ	11/02/06	EDAWSON

Georgia Argyris

FMLA eligibility worksheet

<i>total annual hours for F/T teacher</i>	1,141
<i>Argyris' total hours absent/late</i>	321
<i>Argyris' total hours in 05-06</i>	820
<i># of hours below eligibility</i>	430

attendance during 1 year eligibility period prior to 10/11/06 FMLA application

<i>absent</i>	<i>late (min)</i>
*	
*	
*	
*	
*	
*	
Tuesday, October 11, 2005 *	
Wednesday, October 12, 2005 *	
Monday, October 17, 2005 *	
Monday, October 24, 2005 *	
Tuesday, October 25, 2005 *	
Wednesday, October 26, 2005 *	
Thursday, October 27, 2005 *	
Friday, October 28, 2005 *	
Monday, October 31, 2005 *	
Wednesday, November 02, 2005 *	
Thursday, November 03, 2005 *	
Tuesday, November 08, 2005 *	
Tuesday, November 15, 2005 *	
Thursday, November 17, 2005 *	
Friday, November 18, 2005 *	92
Wednesday, November 23, 2005 *	86
Monday, November 28, 2005 *	55
Tuesday, November 29, 2005 *	151
Thursday, December 01, 2005 *	89
Friday, December 02, 2005 *	135
Monday, December 05, 2005 *	33
Tuesday, December 06, 2005 *	53
Friday, December 09, 2005 *	111
Wednesday, December 14, 2005 *	108
Thursday, December 15, 2005 *	6
Friday, December 16, 2005 *	17
Tuesday, December 20, 2005 *	175
Wednesday, December 21, 2005 *	125
Thursday, December 22, 2005 *	51
Friday, December 23, 2005 *	79
Friday, December 23, 2005 *	73
Thursday, January 05, 2006 *	130

Tuesday, January 10, 2006 *		Monday, December 19, 2005	36
Wednesday, January 11, 2006 *		Tuesday, January 03, 2006	108
Tuesday, January 17, 2006 *		Wednesday, January 04, 2006	72
Wednesday, January 18, 2006 *		Friday, January 06, 2006	47
Thursday, January 19, 2006 *		Thursday, January 12, 2006	82
Friday, January 20, 2006 *		Friday, January 13, 2006	103
Monday, January 23, 2006 *		Wednesday, January 25, 2006	70
Tuesday, January 24, 2006 *		Thursday, January 26, 2006	74
Friday, January 27, 2006 *			
Monday, January 30, 2006 *			
Tuesday, January 31, 2006 *			
Wednesday, February 01, 2006 *			
Thursday, February 02, 2006 *			
		total minutes	2,161
		hours	36
	<i>total absences</i>	45	
	<i>total hours absent</i>	285	

* self-treated day

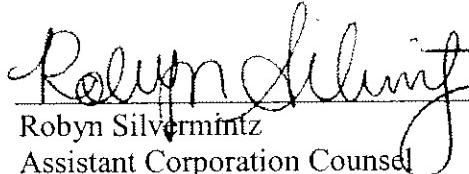
CERTIFICATE OF SERVICE

I hereby certify that, on January 22, 2008, I caused a true and correct copy of the foregoing Answer to be served by mail on Melinda G. Gordon, attorney for Georgia Argyris, at her office at 52 Broadway, 9th Floor, New York, NY 10004-1614

Dated: New York, New York
 January 22, 2008

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Room 2-107
New York, New York 10007
(212) 442-0144

By:



Robyn Silvermintz
Assistant Corporation Counsel
rsilverm@law.nyc.gov